

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF MASSACHUSETTS

CHAPTER 13 PLAN COVER SHEET

Filing Date:	<u>1/26/11</u>	Docket #:	<u>11-40274</u>
Debtor:	<u>Andrew R. Weiner</u>	Co-Debtor:	<u></u>
SS#:	<u>xxx-xx-1090</u>	SS#:	<u></u>
Address:	<u>20 Mt. Pleasant Street</u> <u>North Chelmsford, MA 01863</u>	Address:	<u></u>
Debtor's Counsel:	<u>Anthony Frate</u> <u>428 Main Street</u> <u>Suite 1</u> <u>Stoneham, MA 02180</u>		
Telephone #:	<u>781-438-2800</u>		
Facsimile #:	<u>781-723-6337</u>		

ATTACHED TO THIS COVER SHEET IS THE CHAPTER 13 PLAN FILED BY THE DEBTOR(S) IN THIS CASE. THIS PLAN SETS OUT THE PROPOSED TREATMENT OF THE CLAIMS OF CREDITORS. THE CLAIMS ARE SET FORTH IN THE BANKRUPTCY SCHEDULES FILED BY DEBTOR(S) WITH THE BANKRUPTCY COURT.

YOU WILL RECEIVE OR HAVE RECEIVED A SEPARATE NOTICE FROM THE BANKRUPTCY COURT OF THE SCHEDULED CREDITORS' MEETING PURSUANT TO 11 U.S.C. § 341. THAT NOTICE WILL ALSO ESTABLISH THE BAR DATE FOR FILING PROOFS OF CLAIMS.

PURSUANT TO THE MASSACHUSETTS LOCAL BANKRUPTCY RULES, YOU HAVE UNTIL FIFTEEN (15) DAYS AFTER THE SECTION 341 MEETING TO FILE AN OBJECTION TO CONFIRMATION OF THE CHAPTER 13 PLAN, WHICH OBJECTION MUST BE SERVED ON THE DEBTOR, DEBTOR'S COUNSEL AND THE CHAPTER 13 TRUSTEE.

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF MASSACHUSETTS

CHAPTER 13 PLAN

Docket # 11-40274

DEBTORS: (H) Andrew R. Weiner SS# xxx-xx-1090  
(W) \_\_\_\_\_ SS# \_\_\_\_\_

TERM OF THE PLAN 60 Months

(If the plan is longer than thirty-six (36) months, a statement of cause pursuant to 11 U.S.C. § 1322 (d) must be attached hereto.)

PLAN PAYMENT: Debtor(s) to pay monthly: \$ 314.00

I. SECURED CLAIMS

A. CLAIMS TO BE PAID THROUGH THE PLAN (INCLUDING ARREARS):

Creditor	Description of claim (pre-petition arrears, purchase money, etc.)	Amount of claim
<u>GMAC Mortgage</u>	<u>Pre-petition arrears</u>	\$ <u>12,720.00</u>

Total of secured claims to be paid through the Plan \$ 12,720.00

B. CLAIMS TO BE PAID DIRECTLY TO CREDITORS (Not through Plan):

Creditor	Description of Claim
<u>GMAC Mortgage</u>	<u>First mortgage regular monthly payment</u>

II. PRIORITY CLAIMS

Creditor	Description of claim	Amount of claim
<u>-NONE-</u>	_____	\$ _____

Total of priority claims to be paid through the plan \$ 0.00

III. ADMINISTRATIVE CLAIMS

A. Attorneys fees (to be paid through the plan): \$ 0.00  
(to be paid in first 12 months of plan)

B. Miscellaneous fees:

Creditor	Description of claim	Amount of claim
<u>-NONE-</u>	_____	\$ _____

C. The chapter 13 trustee's fee is determined by order of the United States Attorney General. The calculation of the Plan payment set forth below utilizes a 10% trustee's commission. In the event that the trustee's commission is less than 10%, the additional funds collected by the trustee shall be disbursed to unsecured creditors up to 100% of the allowed claims.

#### IV. UNSECURED CLAIMS

The general unsecured creditors shall receive a dividend of 5 % of their claims.

A. General unsecured claims:

\$ 54,475.00

B. Undersecured claims arising after lien avoidance/cramdown:

Creditor	Description of claim	Amount of claim
GMAC		\$ <u>35,974.00</u>

Total of A + B general unsecured claims: \$ 90,449.00

C. Multiply total by percentage of dividend: \$ 4,236.00  
(Example: Total of \$38,500.00 x .22 dividend = \$8,470.00)

D. Separately classified unsecured claims (co-borrower/student loan, etc.):

Creditor	Description of claim	Amount of claim
-NONE-		\$ <u>0.00</u>

Total amount of separately classified claims payable at      % \$ 0.00

#### V. OTHER PROVISIONS

A. Liquidation of assets to be used to fund plan:

B. Modification of Secured Claims: Set forth details of modifications below or on attached sheets. This information should include name of creditor and detailed explanation of the modification. The total amount of the secured claim that is to be paid through the plan (inclusive of interest) should be set forth in Section I of this Plan.

Creditor	Modification
-NONE-	

C. Miscellaneous provisions:

#### VI. CALCULATION OF PLAN PAYMENT

a. Secured claims (Section I-A Total):	\$ <u>12,720.00</u>
b. Priority claims (Section II Total):	+\$ <u>0.00</u>
c. Administrative claims (Section III A + B Total):	+\$ <u>0.00</u>
d. General unsecured claims (Section IV-C Total):	+\$ <u>4,236.00</u>
e. Separately classified unsecured claims (Section IV-D Total):	+\$ <u>0.00</u>
f. Total of (a) through (e) above:	=\$ <u>16,956.00</u>
g. Divide (f) by .90 for total including Trustee's fee:	Cost of Plan = \$ <u>18,840.00</u>
(This represents the total amount to be paid into the chapter 13 plan)	
h. Divide (g) Cost of Plan by Term of plan:	<u>60</u> months
i. Round up to nearest dollar:	Monthly Plan Payment: \$ <u>314.00</u>
(Enter this amount on page 1)	

Pursuant to 11 U.S.C. § 1326(a) (1), unless the Court orders otherwise, a debtor shall commence making the payments proposed by a plan within thirty (30) days after the plan is filed.

LIQUIDATION ANALYSIS

I. Real Estate:

Address	Fair Market Value	Recorded Liens (Schedule D)
20 Mt. Pleasant Street, Chelmsford, MA 01863	\$ 188,900.00	\$ 233,946.00

Total Net Equity for Real Property:	\$ 0.00
Less Exemptions (Schedule C):	\$ 0.00
Available Chapter 7:	\$ 0.00

II. Automobile (Describe year, make and model):

2009 Chevrolet Cobalt - about 80k miles	Value \$ 12,000.00	Lien \$ 11,180.00	Exemption \$ 0.00
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Net Value of Equity:	\$ 820.00
Less Exemptions (Schedule C):	\$ 0.00
Available Chapter 7:	\$ 820.00

III. All Other Assets (All remaining items on Schedule B): (Itemize as necessary)

Value: \$ 13,796.92	Less Exemptions (Schedule C): \$ 13,796.92
	Available Chapter 7: \$ 0.00

SUMMARY (Total amount available under Chapter 7):

Net Equity (I and II) Plus Other Assets (III) less all claimed exemptions: \$ 820.00

Additional Comments regarding Liquidation Analysis:

Pursuant to the Chapter 13 rules, the debtor or his or her counsel is required to serve a copy of the Amended Plan upon the Chapter 13 trustee, all creditors and interested parties, and to file a certificate of service accordingly.

Anthony Frate	February 24, 2011
Debtor's counsel	Date
Address: 426 Main Street	
Suite 1	
Stoneham, MA 02180	
Telephone #: 781-438-2800 Fax: 781-723-6337	

I/WE DECLARE UNDER THE PENALTIES OF PERJURY THAT THE FOREGOING REPRESENTATIONS OF FACT ARE TRUE AND CORRECT TO THE BEST OF OUR KNOWLEDGE AND BELIEF.

Date February 24, 2011

Signature

Andrew R. Weiner  
Debtor

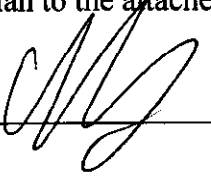
UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS  
BANKRUPTCY DIVISION

In Re: )  
Andrew R. Weiner )  
Debtor )

Chapter 13  
Case No. 11-40274

**Certificate of Service**

I, Anthony Frate, certify that on February 10, 2011 I caused to be served a copy of the Debtor's Chapter 13 Plan to the attached service list by first class mail, postage prepaid.

  
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Applied Bank  
601 Delaware Ave  
Wilmington, DE 19801

Bank of America  
PO Box 2036  
Warren, MI 48090

BJs-MC Classic  
10625 Techwoods Circle  
Cincinnati, OH 45242

Bmg Music Service  
2491 Paxton St  
Harrisburg, PA 17111

Capital One  
PO Box 85520  
Richmond, VA 23285

Ccs/Bryant State Bank  
500 E 60th St N  
Sioux Falls, SD 57104

Citgocitibank  
220 John Glenn Dr # 1  
Amherst, NY 14228

Citibank  
PO Box 740281  
Houston, TX 77274

Citibank  
8875 Aero Dr  
San Diego, CA 92123

Citibank Ntb  
PO Box 740281  
Houston, TX 77274

Direct Merchants  
2623 W Oxford Loop  
Oxford, MS 38655

Dr David Chedekel  
30 Massachusetts Ave  
North Andover, MA 01845

Dyck Oneal Inc  
15301 Spectrum Dr  
Addison, TX 75001

First Usa Bank N A  
1001 Jefferson Plaza  
Wilmington, DE 19701

GE Capital Lowe S Consum  
PO Box 740281  
Houston, TX 77274

Gemb/Paypal Smart Conn  
Po Box 981064  
El Paso, TX 79998

GMAC  
PO Box 4622  
Waterloo, IA 50704

GMAC Mortgage  
PO Box 4622  
Waterloo, IA 50704

HSBC Bank Nevada N.A.  
120 Corporate Blvd Ste 1  
Norfolk, VA 23502

HSBC Card Services Iii  
120 Corporate Blvd Ste 1  
Norfolk, VA 23502

Orlans Moran  
45 School Street  
Boston, MA 02108

Santander Consumer Usa  
8585 N Stemmons Fwy Ste  
Dallas, TX 75247

Sears/Cbsd  
133200 Smith Rd  
Cleveland, OH 44130

Shell/Citi  
PO Box 6497  
Sioux Falls, SD 57117

Sunoco  
PO Box 6497  
Sioux Falls, SD 57117

Verizon Wireless  
7900 Highway 7 #100  
Saint Louis Park, MN 55426

Wachovia Bank Checking A  
575 Underhill Blvd Ste 2  
Syosset, NY 11791

Webbank/Dfs  
1 Dell Way  
Round Rock, TX 78682

Wells Fargo Financial  
220 John Glenn Dr # 1  
Amherst, NY 14228

General Psychological Assoc  
Credit Bureau Assoc NE Inc  
Ste. #4  
30 Massachusetts Ave.  
North Andover, MA 08145-3458

Rjm Acquisitions Llc  
575 Underhill Blvd  
Suite 224  
Syosset, NY 11791

Zenith Acquisition Corp  
170 Northpointe Pwky  
Suite 300  
Amherst, NY 14228

Rjm Acquisitions Llc  
575 Underhill Blvd  
Suite 224  
Syosset, NY 11791

Richard King  
Office of US. Trustee  
446 Main Street  
14th Floor  
Worcester, MA 01608

Denise M. Pappalardo, Trustee  
P. O. Box 16607  
Worcester, MA 01601